IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1886 OF 2004

1. Chandrakant P. Zaveri & others. ...Petitioners

vs.

1. M/s.Kamla Housing & others. ...Respondents.

Mr.V.R.Dhond i/b. M/s.Hariani & Co., for Petitioners.

Mr.R.T.Parekh, for Respondent no.1.

Mr.C.P.Deogirikar, for Respondent no.2.

CORAM: D.K.DESHMUKH,J.

DATED: 14th August, 2006.

P.C.:-

1. By this petition, the petitioners challenge the order passed by the Divisional Joint Registrar Co-operative Society, M.D., Mumbai dated 18.3.2004 by which the appeal filed by the petitioners under Section 152 of the Maharashtra Co-operative Societies Act,1960 challenging the order passed by the Deputy

Registrar, Co-operative Societies, K/East Ward, Mumbai, under Section 9 of the Act, was rejected. By the order impugned, the Divisional Joint Registrar had dismissed the Appeal. Perusal of memorandum of appeal shows that the petitioners have challenged the order passed by the Deputy Registrar on several grounds. Perusal of the order of the Appellate authority shows that the Appellate authority has referred to the various submissions made before him by both the sides. Paragraph (5) of the order is the only deciding paragraph, it reads as under:-

> "5. After hearing the parties concerned and on perusal of the documents presented before me, I agree with the submissions of Learned Advocate Sonsale for Respondent no.2 that Appellant has not made out the case either for de-registration or cancellation of the Registration Certificate under Section 152 of the M.C.S.Act 1960. In view of this circumstances, I am pleased to pass the following order:-
>
> O R D E R
>
> Appeal is hereby rejected.
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> Impugned Registration Certificate dated 07-04-1999 issued by the

> Respondent no.1 Deputy Registrar, Co-op.Socys. K/-East Ward Mumbai u/s.9 of the M.C.S.Act 1960 is hereby confirmed. Status-quo granted on 26-06-2003 by this authority is hereby vacated. No orders as to costs."

Perusal of the above quoted paragraph shows that the Divisional Joint Registrar has recorded his conclusion in the order but he has not given a single reason as to why he has reached this conclusion. The appellate power conferred by Section 152 of the Maharashtra Co-operative Societies Act is to be exercised in accordance with law and in deciding the appeal the Appellate Authority is obliged to abide by the principles of natural justice. One of the principles of natural justice is that the quasi judicial authority has to disclose reasons for its conclusion and the failure of quasi judicial authority to disclose reasons for its conclusion vitiates the order. For failure of the Appellate Authority to give reasons for the conclusion/order given by it, in my opinion, vitiates the order passed by the Appellate Authority. In the result therefore,

the present petition succeeds and is allowed. The order impugned in the petition is set aside. Appeal no.73 of 2003 is remitted back to the Divisional Joint Registrar for consideration and decision in accordance with law. The Divisional Joint Registrar is directed to disclose reasons in his order for the conclusion to which he has reached. Rule is made absolute accordingly. No order as to costs.